

REMARKS

Claims 11-19 and 32-35 are pending, of which claims 11 and 16 are in independent form. Claims 11-14, 16, 18, 19, 34 and 35 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Japanese Publication No. 02-222533 to Nishiguchi et al. ("Nishiguchi"). Claims 15, 17, 32, and 33 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Nishiguchi in view of U.S. Patent No. 4,975,141 to Greco et al. ("Greco"). The applicant respectfully traverses the rejections for the reasons indicated below.

SECTION 102 REJECTIONS

Claim 11 stands rejected as being anticipated by Nishiguchi. The applicant respectfully submits that Nishiguchi does not disclose or suggest limitations recited by claim 1. For example, claim 1 recites "at least one device to receive the reflected light from the film on the substrate *while the film is being polished*, the at least one device being operable to monitor a dimensional change of the film based on the reflected light from the film on the substrate." (Emphasis added.) Although Nishiguchi shows a photoreceptor 7 (Fig. 1), Nishiguchi explains that in order for the photoreceptor 7 to receive light reflected from the work piece (wafer W), the grindstone 3 must move upward so that it is not in the path of the reflected light. See Translation of the Abstract (a copy of which is attached) and the vertical arrow adjacent to the reference number 6 in Fig. 1 (the arrow indicates the grindstone's upward movement and is highlighted in Fig. 1 of the attached copy). Because the grindstone 3 is moved upward and is, thus, disengaged from the wafer W, the wafer W cannot be polished while the photoreceptor is receiving light from the wafer W, as is required to anticipate claim 11. Accordingly, Nishiguchi does not disclose or suggest the above-cited limitation of claim 11.

The Examiner does not contend that Greco discloses or suggests the above-cited limitation of claim 11. The applicant respectfully submits that Greco, indeed, does not do so. For at least the above reasons, claim 11 and claims 12-15 and 32-35, which depend from claim 11, should be allowed.

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Claim 16 stands rejected as being anticipated by Nishiguchi. Claim 16 includes a limitation that is similar to the one discussed above in reference to claim 11. The applicant respectfully submits that the foregoing arguments apply with equal force to claim 16. For at least this reason, claim 16 and claims 17-19, which depend from claim 16, should be allowed.

SECTION 103 REJECTIONS

Claims 15, 17, 32, and 33 stand rejected as being unpatentable over Nishiguchi in view of Greco. The claims at issue depend from either independent claim 11 or 16. For reasons discussed above, neither Nishiguchi nor Greco discloses or suggests limitations of these claims. Accordingly, claims 16 and 18 as well as their dependent claims should be allowed.

No fee is believed to be due with this paper. If, however, there are appropriate charges or credits, please apply them to deposit account 06-1050.

Respectfully submitted,

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